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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,969	11/26/2003	Nicholas Burke	BURKE	9004
545	7590	10/10/2007	EXAMINER	
ROGER PITT KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP 599 Lexington Avenue 33RD FLOOR NEW YORK, NY 10022-6030			REFAI, RAMSEY	
ART UNIT		PAPER NUMBER		
		3627		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/722,969	BURKE, NICHOLAS
Examiner	Art Unit	
Ramsey Refai	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 November 2003.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-16 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 26 November 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>06/21/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Responsive to claims filed November 03, 2003. Claims 1-16 are presented for examination.

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on June 21, 2004 is being considered by the examiner.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are not clear and legible. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed to an amusement park. An *amusement park* is not one of the four statutory classes of invention and therefore the claims are rendered non-statutory.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

7. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1:

-Step (a) appears to be missing and has rendered the claims indefinite.

-The following terms lack proper antecedent basis: " said guest account designer" , " said attraction facilities" , " each said group" , " said guest' s guest account designator"

In claim 2:

-The following terms lack proper antecedent basis: " said particular attraction facility"

In claim 5:

-The following terms lack proper antecedent basis: " the characteristics"

In claim 6:

-The following terms lack proper antecedent basis: " each detectable marker unit"

In claim 7:

-The following terms lack proper antecedent basis: " said server" , " said transceiver"

In claim 9:

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-The following terms lack proper antecedent basis: " people in the/said group"

In claim 10:

-The following terms lack proper antecedent basis: " said transceiver"

In claim 11:

-The following terms lack proper antecedent basis: " their own transceivers"

In claim 12:

-The following terms lack proper antecedent basis: " said particular attraction facility" , " each detectable marker unit"

In claim 13: It contains similar issues as claims 3-5 and 7-10 above.

In claim 14:

-The following terms lack proper antecedent basis: " said central server" , " said attraction facility computers"

In claim 15:

-The following terms lack proper antecedent basis: " the transponder" , " transponder detectors" , " the associated transceiver"

In claim 16:

-The following terms lack proper antecedent basis: " said facilities" , " said transceivers" .

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except

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that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-6, 9, 12, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Giraldin et al (US Patent NO. 7,147,149).

10. As per claim 1, Giraldin et al teach an amusement park, comprising:

(a); (g) a wireless transceiver associated with said guest account designator for a plurality of attraction facilities (column 3, lines 40-60).

(b) a central computer (column 3, line 56; central server 107);

(c) a plurality of attraction facility computers, each of said attraction facility computers being associated with one of said attraction facilities (column 4, lines 39-46; cashless station);

(d) a plurality of communication channels coupling information in two directions between said central computer and said plurality of attraction facility computers (column 4, lines 46-47; cashless stations communicate with central computer);

(e) an input device for receiving information indicating the number of persons in a group entering the amusement park and for assigning a guest account designator to each said group and for assigning an individual guest identification designator (column 3, lines 7-45; group is registered with system with each member of group obtaining personal identification tags which can be worn on wrist);

(f) a detectable marker unit adapted to be physically associated with each guest and encoded with said guest's guest account designator; and communicating with said central computer to send and receive information (column 3, lines 25-32, column 3, line 50-column 4, lines 17).

11. As per claim 2, Giraldin et al teach:

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(h) a charge card terminal or other cash crediting device for crediting an amount of money to said guest account designator and (i) a cash debiting device responsive to said detectable marker unit associated with a particular attraction facility for debiting dollar amounts associated with a said particular attraction facility (column 4, lines 35-50).

12. As per claim 3, Giraldin et al teach wherein said detectable marker is a wrist band (column 3, lines 25-29).

13. As per claim 4, Giraldin et al teach wherein said information received by said wireless transceiver relates to facility operations, the facility operations information being coupled by said attraction facility computers to said central computer (column 3, lines 50-60, column 4, lines 39-50).

14. As per claim 5, Giraldin et al teach wherein said detectable marker unit is associated with the characteristics of a guest (column 3, lines 25-45; each member is associated with the group).

15. As per claim 6, Giraldin et al teach comprising:

(h) a grid of location detectors responsive to the proximity of said detectable marker units to determine the location of the individual guest associated with each detectable marker unit (column 3, lines 10-13, 33-40; display of park map to locate members); and

(i) a transmitter coupled to receive the output of said location detectors and transmit detection of guests to said central computer (column 3, lines 50-60).

16. As per claim 9, Giraldin et al teach wherein said transceiver includes a display for sending and receiving messages and for displaying a map of said amusement park indicating the locations of people in the group associated with said transceiver and/or

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facilities which may be visited by people in said group (column 3, lines 33–39; park map to locate members).

17. As per claim 12, it contains similar limitations as claims 2 and 6 above, therefore are rejected under the same rationale.

18. As per claim 14, Giraldin et al teach wherein said central server is a virtual set of connections between computing devices located at said attraction facility computers (column 3, lines 50–60, column 4, lines 39–50).

Claim Rejections – 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 7–8 and 15–16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giraldin et al in view of Crabtree et al (US Patent No. 6,788,199).

21. As per claims 7–8, Giraldin et al fail to explicitly teach wherein said server is responsive to guest location information received from said transmitter to determine the likelihood of a dangerous condition, said server being responsive to the detection of an elevated likelihood of a dangerous condition to communicate an alarm to said transceiver, said transceiver including an indicator device to signal set alarm, wherein said indicator device is an audible alarm.

However, in the same field of endeavor, Crabtree et al teach a system for locating objects such as people using a transceiver attached to the person. A user can then

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associate selected alarm conditions, such as transceiver beyond a certain range, with these transceivers. The user using a locator unit will be notified when these alarm conditions have been met. (See column 23, line 20–column 24, line 10). It would have been obvious to one of ordinary skill in the art at the time of the Applicant' s invention to combine teachings of Giraldin et al and Crabtree et al because doing so would allow for a user to receive an alarm when a member in the group has wandered beyond an allowed area.

22. As per claim 15, Giraldin et al teach a method of hosting a guest at an amusement park, comprising:

(a) receiving a group of guests; (b) assigning a transceiver device to said group of guests; (c) collecting funds from said group of guests; (d) identifying individual guests; (e) associated each individual guests with an individual transponder in accordance with guest characteristics (column 3, lines 5–60);

(f) assigning said funds among the transponder is associated with said transceiver device (column 3, lines 60–67, column 4, lines 28–50) ;

(g) periodically checking location of individual guests by monitoring transponder detectors (column 3, lines 50–60);

(j) charging funds against a particular transponder in response to the use of a facility associated with said amusement park (column 3, line 60–column 4, line 28).

Giraldin et al fail to teach determining the existence of an elevated likelihood of a dangerous condition; and sending an alarm in response to the detection of an elevated likelihood of a dangerous condition to the associated transceiver.

However, in the same field of endeavor, Crabtree et al teach a system for locating objects such as people using a transceiver attached to the person. A user can then

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associate selected alarm conditions, such as transceiver beyond a certain range, with these transceivers. The user using a locator unit will be notified when these alarm conditions have been met. (See column 23, line 20–column 24, line 10). It would have been obvious to one of ordinary skill in the art at the time of the Applicant' s invention to combine teachings of Giraldin et al and Crabtree et al because doing so would allow for a user to receive an alarm when a member in the group has wandered beyond an allowed area.

23. As per claim 16, Giraldin et al teach:

(k) collecting an essential server information respecting a plurality of facilities in said amusement park; (l) transmitting said information to said transceiver; and (m) sending reservation and for purchase information to said facilities to said transceivers (column 4, lines 39–50).

24. Claims 10–11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giraldin et al in view of Jeong et al (US Patent No. 6,383,075).

25. As per claims 10–11, Giraldin et al fail to teach wherein said transceiver is program with interactive games and wherein said interactive games are games between participants holding their own transceivers.

However, wireless gaming is well known in the art as evidenced by Jeong et al, who teach a portable wireless network game. Using a wireless network game apparatus, users can wireless communicate and connect with other users to play wireless network games. (See abstract, figs 1 and 4). It would have therefore been obvious to one of ordinary skill in the art at the time of the Applicant' s invention to combine the teachings of Giraldin et al and Jeong et al because doing so would allow users in Giraldin et al to

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also play wireless games with members of a group as well as monitor and track the location of each member.

26. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giraldin et al in view of Crabtree et al (US Patent No. 6,788,199) and in further view of Jeong et al (US Patent No. 6,383,075.

As per claim 13, it contains similar limitations as in claims 3-5 and 9, taught by Giraldin et al above.

Additionally, Giraldin et al fail to teach wherein said server is responsive to guest location information received from said transmitter to determine the likelihood of a dangerous condition, said server being responsive to the detection of and elevated likelihood of a dangerous condition to communicate an alarm to said transceiver, said transceiver including an indicator device to signal set alarm, wherein said indicator device is an audible alarm.

However, in the same field of endeavor, Crabtree et al teach a system for locating objects such as people using a transceiver attached to the person. A user can then associate selected alarm conditions, such as transceiver beyond a certain range, with these transceivers. The user using a locator unit will be notified when these alarm conditions have been met. (See column 23, line 20-column 24, line 10).

Giraldin et al also fail to teach wherein said transceiver is program with interactive games and wherein said interactive games are games between participants holding their own transceivers.

However, wireless gaming is well known in the art as evidenced by Jeong et al, who teach a portable wireless network game. Using a wireless network game apparatus,

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users can wireless communicate and connect with other users to play wireless network games. (See abstract, figs 1 and 4). It would have been obvious to one of ordinary skill in the art at the time of the Applicant' s invention to combine teachings of Giraldin et al, Crabtree et al, and Jeong et al because doing so would allow for a user to receive an alarm when a member in the group has wandered beyond an allowed area. It would have also allowed users in Giraldin et al to also play wireless games with members of a group as well as monitor and track the location of each member.

Conclusion

The prior art made of record and not relied upon, which is considered pertinent to applicant's disclosure, are cited in the Notice of Reference Cited form (PTO-892).

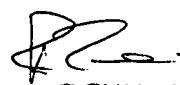
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner' s supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
Examiner
Art Unit 3627
September 29, 2007
/RR/


10/1/07
F. RYAN ZEENDER
SUPERVISORY PATENT EXAMINER